

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA
BRUNSWICK DIVISION

DAVID CROWE,

Petitioner,

vs.

CIVIL ACTION NO.: CV210-130

ANTHONY HAYNES, Warden,

Respondent.

ORDER

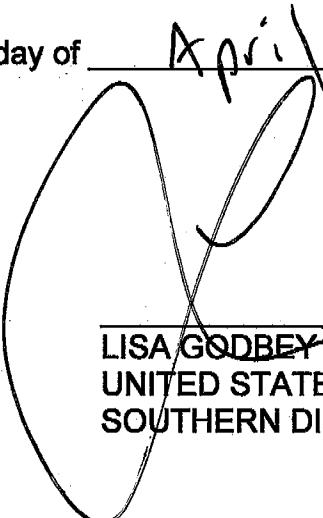
After an independent and *de novo* review of the entire record, the undersigned concurs with the Magistrate Judge's Report and Recommendation, to which Objections have been filed. In his Objections, Petitioner David Crowe ("Crowe") directs the Court's attention to several cases he contends support his contentions. However, these cases are of no precedential value to this Court, as none of these cited cases arises from this Circuit. The Court declines to use Garland v. Roy, 615 F.3d 391 (5th Cir. 2010), United States v. Redzic, 569 F.3d 841 (8th Cir. 2009), vacated by Redzic v. United States, ___ U.S. ___, 130 S. Ct. 3543 (June 29, 2010)¹, or any other case Crowe cites as persuasive authority. The undersigned also notes Crowe's reliance on the 28 U.S.C. § 2241 petition, as amended, his wife and co-defendant filed with the Northern District of Texas, Crowe v. Keffer, No. 4:10-CV-579-Y (Aug. 16, 2010), in support of his position.

¹ The Eighth Circuit Court of Appeals issued its decision after remand on December 6, 2010, and the Eighth Circuit affirmed Redzic's convictions in light of Skilling v. United States, ___ U.S. ___, 130 S. Ct. 2869 (2010). United States v. Redzic, 627 F.3d 683 (8th Cir. 2010). This case is currently pending with the United States Supreme Court. (Case Number 10-1133).

According to the courts' docketing system, the Texas court has not ruled on this petition. In addition, it appears that Martha Crowe has been released from federal prison, (No. 4:10-CV-579-Y, Doc. No. 14), which would likely moot her petition. Moreover, the undersigned finds the assertions of the Government in response to Martha Crowe's section 2241 petition more compelling than those raised by David Crowe in this petition.

Crowe's Objections are **overruled**. The Magistrate Judge's Report and Recommendation is adopted as the opinion of the Court. Crowe's petition for writ of habeas corpus, filed pursuant to 28 U.S.C. § 2241, is **DISMISSED**. The Clerk of Court is directed to enter the appropriate judgment of dismissal.

SO ORDERED, this 25 day of April, 2011.



LISA GODBEY WOOD, CHIEF JUDGE
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA